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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,634	08/24/2001	Jeffrey Green	NAI1P092/01.050.01	1385
28875	7590	07/31/2007		
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			EXAMINER CLOUD, JOIYA M	
			ART UNIT	PAPER NUMBER
			2144	
			MAIL DATE	DELIVERY MODE
			07/31/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/935,634	GREEN, JEFFREY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joiya M. Cloud	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :09/21/2005, 10/13/2005, 01/17/2006, 10/31/2001, 02/07/2005.

***DETAILED ACTION***

**Reopening of Prosecution After Appeal Brief or Reply Brief**

In view of the appeal brief filed on 02/23/2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***Claim Rejections - 35 USC § 112***

**Claim 14** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 14** recites the limitation “third file format” and “fourth file format” in the first and second element have not been defined. Therefore, there is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-10, 12-16, 18-21, 24-30, 32-34, and 35-39** are rejected under 35 USC 102(e) as being anticipated by Stewart et al., (U.S. Patent No. 6,901,519).

1. **As per claim 1**, Stewart teaches a method carried out by a computer when executing computer-readable program code, the method comprising: receiving a certain electronic file intended for delivery from a sender to an intended recipient, the certain electronic file having a first file format having a first file extension and containing a computer virus (Stewart, col.3,1.60-col.4, 1.3); and prior to the certain electronic file being made available for viewing by the intended recipient, converting the certain electronic file to a second file format having a second file extension that is different from the first

file extension of the first file format and that prevents the computer virus from executing when the converted electronic file is opened by the intended recipient (Stewart, col.3, 1.56-64); wherein it is determined whether the certain electronic file represents a potential risk to security of a computer system (Stewart, col.3, 1.45-55); and said converting the certain electronic file being in response to a determination that the certain electronic file represents the potential risk to the security of the computer systems (Stewart, col.3, 1.35-39).

2. **As per claim 2**, Stewart further discloses the method of claim 1, the certain electronic file being an attachment to an electronic mail sent over a network (Stewart, col. 3, 1.28-30).
3. **As per claim 3**, Stewart further discloses the method of claim 2, the network including the internet (Stewart, col.3, 1.30-31).
4. **As per claim 4**, Stewart further discloses the method of claim 1, said receiving occurring at a desktop computer of the intended recipient (Stewart, fig.1).
5. **As per claim 5**, Stewart further discloses the method of claim 1, said receiving occurring at a server computer (Stewart, col.3, 1.28-30, fig.1).
6. **As per claim 6**, Stewart further discloses the method of claim 1, said receiving occurring at a gateway computer (Stewart, col. 3, 1.12-14) .
7. **As per claim 7**, Stewart further discloses the method of claim 1, said converting occurring at a desktop computer of the intended recipient (Stewart,

col.4, l.18-20).

8. **As per claim 8**, Stewart further discloses the method of claim 1, said converting occurring at a server computer (Stewart, col.4, l.28-30).
9. **As per claim 9**, Stewart further discloses the method of claim 1, said converting occurring at a gateway computer (Stewart, fig. 1 ).
10. **As per claim 10**, Stewart further discloses the method of claim 1, said converting occurring prior to the intended recipient receiving the certain electronic file (Stewart, col. 3, l.16-22).
11. **As per claim 12**, Stewart further discloses the method of claim 1, said determining whether the certain electronic file represents the potential risk comprising: determining if the certain electronic file contains the computer virus (Stewart, col. 3, l.45-55).
12. **As per claim 13**, Stewart further discloses the method of claim 1, said determining whether the certain electronic file represents the potential risk comprising: conducting a heuristic scan of the certain electronic file (Stewart, col. 4, l.1-10).
13. **As per claim 14**, Stewart further discloses the method of claim, the certain electronic file being a first electronic file, further comprising: receiving a second electronic file intended for delivery from another sender to another intended recipient, the second electronic file having a third file format and containing another computer virus (Stewart, col.5, l.14-18, in which the additional file that are unexpected changed including name, content and extension); and prior to the second electronic file being

made available for viewing by the another intended recipient, converting the second electronic file to a fourth file format that is different from the third file format and that prevents the another computer virus from executing when the converted second electronic file is opened by the another intended recipient (Stewart, col.5, 13-14, a special validation process is performed, see fig. 3).

14. **As per claims 15**, Stewart further discloses the method of claim 1, the computer virus including a macro virus (Stewart, col.4, 1.1-25),
15. **As per claim 16**, Stewart further discloses the method of claim 1, the second file format being at least one of a TXT file format, a RTF file format without embedded objects, a BMP file format, a JPEG file format, a CSV file format, a JPB file format, a GIF file format, a HTML file format without scripts, and a ASCII file format (Stewart, col.3, 1.20-21, non-executable format, alphanumeric text message, to be delivered to the user).
16. **As per claim 18**, Stewart further discloses the method of claim 16, the second file format being the ASCII file format file (Stewart, col.3, 1.60-61, alphanumeric only text file).
17. **As per claim 19**, Stewart further discloses the method of claim 16, the second file format being the TXT file format (Stewart, col.3, 1.60-61, alphanumeric only text file).
18. **As per claim 20**, Stewart further discloses the method of claim 1, the second file format being a file format having text without scripts (Stewart, col.4, 1.38-40).
19. **As per claim 21**, Stewart further discloses the method of claim 1, the certain



electronic file being at least one of a word processing file, a spreadsheet file, a database file, a graphics file, a presentation file, a compressed file, and a binary executable file (Stewart, col.4, l.24-27).

20. **As per claims 24-26** have similar limitation as claims 1,12, and 16.

Therefore, claims 24-26 are rejected under Stewart for the same reason set forth in the rejection of claim 1, 12, and 16.

21. **As per claim 27**, Stewart further discloses the method of 24, said determining comprising: determining whether content of the electronic file reflects a potential computer virus (Stewart, col. 3, l.35-44).

22. **As per claims 28-30, 32-33, and 35** have similar limitation as claims 1,2, 10-12, 15-16, and 21. Therefore, claims 28-30, 32-33, and 35 are rejected under Stewart for the same reason set forth in the rejection of claim 1,2,10-12, 15-16, and 21.

23. **As per claims 34**, Stewart further discloses the method of claim 28, the computer virus being a macro virus (Stewart, col.4, l.1-25),

24. **As per claims 36-37** have similar limitation as claims 1, and 7.

Therefore, claims 36-37 are rejected under Stewart for the same reason set forth in the rejection of claim 1, and 7.

25. **As per claim 38**, Stewart further discloses the apparatus of claim 36, said computer being a server computer of a local area network (Stewart, col.21, l.20).

26. **As per claim 39**, Stewart further discloses the apparatus of claim 36, said Computer being a gateway computer (Stewart, fig. 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. **Claims 17, 22, 23, and 40** are rejected under 35 U.S.C 103(a) as being unpatentable over Stewart in view of Nachenberg (US PG PUB 2003/0088680).

28. **As per claim 17**, Stewart discloses the invention substantially as claimed.

Stewart does not specifically disclose the HTML file format without script. However, Nachenberg teaches "Java script embedded in an email in **HTML** format ..." (Nachenberg, [0051], l. 14-18, in which the script codes are remove from the HTML file).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Nachenberg to the teachings of Stewart for the purpose of computer virus prevention to access system and enable blocking data communication with suspicious program in network during virus outbreaks.

29. **As per claim 22**, Stewart-Nachenberg further discloses the method of claim 1, further comprising: determining if the first file format is one of a word processing file

format type and a graphics file format type (Nachenberg, [0051]), the second file format being at least one of a TXT file format, a RTF file format without embedded objects, and a HTML file format without scripts if it is determined that the certain file format is the word processing file format type (Nachenberg, [0003], [0051]), the second file format being at least one of a JPB file format, a BMP file format, a GT file format, a HTML file format without scripts, and a TPEG file format if it is determined that the first file format is the graphics file format type (Nachenberg, [0051], 1.11-18).

30. **As per claim 23**, Stewart-Nachenberg further discloses the method of claim 1, the certain electronic file being an electronic file received by at least one of a RTP /transfer or a HTTP transfer protocol (Nachenberg, [0024]).
31. **As per claim 40** has limitations corresponding to claim 22. Therefore, claim 40 is rejected under Stewart for the same reason set forth in the rejection of claim 22.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

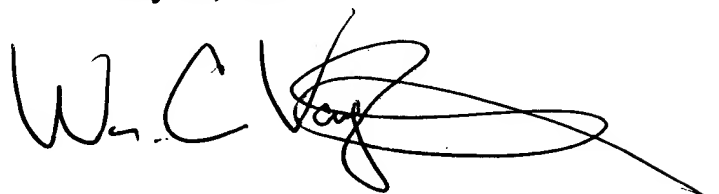
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***JMC***

**William J. Vaughn**

**Supervisory Patent Examiner**

**July 23, 2007**

A handwritten signature in black ink, appearing to read 'W. J. Vaughn', with a large, stylized flourish extending from the end of the signature.